

**REMARKS**

Initially, in the Office Action dated October 29, 2003, the Examiner objects to the abstract because it is too lengthy (MPEP §608.01(b)). Claim 8 has been objected to because of informalities.

Claim 1 has been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,292,890 (Crisan). Claims 2-5, 9 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of U.S. Patent No. 6,266,809 (Craig et al.). Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of Craig et al. and further in view of U.S. Patent No. 6,584,495 (Bisset et al.). Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of U.S. Patent No. 6,088,738 (Okada). Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of U.S. Patent No. 6,098,116 (Nixon et al.).

By the present response, Applicants have canceled claim 3 without prejudice or disclaimer and has amended claims 1, 2 and 4-10 to further clarify the invention. Applicants have submitted new claims 11-17 for consideration by the Examiner and submit that these claims do not contain any prohibited new matter. Claims 1, 2, and 4-17 remain pending in the present application.

**Abstract Objection**

The Examiner has objected to the Abstract asserting that it is too lengthy. Applicants have submitted a new Abstract and respectfully request that this objection be withdrawn.

Claim Objection

Claim 8 has been objected to because of informalities. Applicants have amended this claim to further clarify the invention and respectfully request that this objection be withdrawn.

35 U.S.C. §102 Rejections

Claim 1 has been rejected under 35 U.S.C. §102(e) as being anticipated by Crisan. Applicants respectfully traverse this rejection.

Crisan discloses a computer system with dynamically reconfigurable boot order where a network interface may be coupled to a network to receive a "wake-up" data packet that includes a predetermined data pattern for which the network interface can be configured to scan. Upon detecting the wake-up data packet, the network interface can initiate a computer boot-up sequence. The CPU begins a boot-up sequence by retrieving a BIOS from the nonvolatile memory. One portion of the boot-up sequence specified by the BIOS includes determining and accessing a series of target boot devices to locate and retrieve an operating system. The order of the series of target boot devices may be different from a default boot order if the network interface initiated the current boot-up sequence.

Regarding claim 1 and new claims 11 and 14, Applicants submit that Crisan does not disclose or suggest the limitations in the combination of each of these claims of, inter alia, a firmware updating method for use in an information processing apparatus having a storage containing firmware and a communication device for communicating via a network with a remote management server for updating the

firmware that includes resetting the information processing apparatus in system reset according to a system reset instruction from the remote management server under an environment of an operating system of the information processing system operating, booting the information processing apparatus by the communications device thereby to update the firmware stored in the storage via the network, setting the storage as a boot device thereby to control "off" a power supply of the information processing apparatus in response to a request from the remote management server, controlling "on" the power supply in response to another request from the remote management server, reading and executing the firmware updated in the storage of the information processing apparatus, a power controller controlled by a first power supply which is separate from a second power supply of the information processing apparatus, a power controller controlling "off" and "on" an information processing apparatus according to a request from a server, a communication device obtaining a program from a server after resetting the information processing apparatus where the information processing apparatus updates the firmware by use of the program, stores the firmware updated by the information processing apparatus in storage, sets the storage as a boot device, and controls the power controller according to a request from the server to execute the firmware by use of the storage.

Crisan merely discloses dynamically configurable booting where a computer system maybe booted via a default boot order or follow a boot-up sequence that is initiated by a network interface. Crisan does not disclose or suggest anything related

to controlling an "off" state of a power supply of an information processing apparatus in response to a request from a remote management server or controlling an "on" state of the power supply in response to another request from the remote management server, or a power controller controlling "on" or "off" of the information processing apparatus according to a request from a server where the information processing apparatus updates firmware by use of a program from the server, stores the firmware and sets the storage as a boot device and controls a power controller according to a request from the server to execute the firmware by use of the storage. Further, Crisan does not disclose or suggest a remote controller instructing a power controller to control "off" and "on" the information processing apparatus, as recited in the claims of the present application. Crisan merely discloses booting a computer system via a default boot order or a boot-up sequence initiated by a network interface.

Accordingly, Applicants submit that Crisan does not disclose or suggest the limitations in the combination of claim 1 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

35 U.S.C. §103 Rejections

Claims 2-5, 9 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of Craig et al. Applicants respectfully traverse these rejections.

Craig et al. discloses updating firmware in a network computer by replacing the standard operating system to be loaded at the initialization of the network

computer with a firmware update operating system. The firmware update operating system is then downloaded to the network computer and initiated to update the firmware of the network computer. The firmware update operating system may then be replaced with the standard operating system to be loaded at the initialization of the network computer. The network computer may then be re-initialized by a cold boot so as to load the standard operating system. The cold boot may be server initiated so as to allow for firmware updates with intervention by an operator at the network computer.

Applicants submit that claims 2-5, 9, 10 and new claims 12, 13 and 15-17 are patentable over the cited references at least for the same reasons noted previously regarding independent claims 1, 11 and 14. Applicants submit that Craig et al. does not overcome the substantial defects noted previously regarding Crisan. For example, Applicants submit that none of the cited references disclose or suggest acquiring information about firmware from the information processing apparatus, which has the information about the firmware, by a remote management subsystem and judging a program to be sent to the information processing apparatus according to the information about the firmware, or an execution starting step including a step to check that the obtained maintenance program is an appropriate program.

Accordingly, Applicants submit that neither Crisan nor Craig et al., taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of each of claims 2-5, 9, 10, 12, 13 and 15-17 of the present

application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of Craig et al. and further in view of Bisset et al. Applicants respectfully traverse this rejection.

Bisset et al. discloses unshared scratch space where a computerized method provides unshared local storage space to a process distributed by a trusted source through the use of an identity associated with the process that specifies local capabilities for the identity of a computer. The method obtains the identity and allocates the local storage space based on the local capabilities, securing the space with the identity so that only a process with the same identity can access the space.

Applicants submit that claim 6 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim. Applicants submit that Craig et al. and Bisset et al. do not overcome the substantial defects noted previously regarding Crisan. For example, none of the cited references disclose or suggest obtaining a certification file corresponding to a maintenance program from the remote management subsystem and inspecting the maintenance program according to the certification file.

Accordingly, Applicants submit that none of the cited references, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of claim 6 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

Claim 7 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of Okada. Applicants respectfully traverse this rejection.

Okada discloses controlling a communication between plural host computers connected to terminal apparatus. The communication controlling apparatus includes a storage unit for storing information relating to upper apparatus names, information relating to program names and information relating to pseudo program names. The communication controlling apparatus also includes a control unit that performs various functions where even if plural host computers store programs having identical names, the terminal apparatus can be connected to a desired host computer, whereby a service to the users may be improved.

Applicants submit that claim 7 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim. Applicants submit that Okada does not overcome the substantial defects noted previously regarding Crisan. For example, none of the cited references disclose or suggest acquiring identification information which is used to obtain a maintenance program by an information processing apparatus by the remote managing subsystem, sending a request to obtain a pseudo maintenance program by the identification information or checking the presence or not of a reply to the request to obtain the pseudo maintenance program.

Accordingly, Applicants submit that neither Crisan nor Okada, taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the

combination of claim 7 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Crisan in view of Nixon et al. Applicants respectfully traverse this rejection.

Nixon et al. discloses a digital control system that automatically senses when a new controller is attached to a network and determines the number and type of I/O ports that are attached to the new controller. The digital control system formats and displays the I/O port information upon request by a user. The digital control system program also includes an automatic configuration program that responds to sensing of a new controller by automatically configuring the input/output subsystem.

Applicants submit that claim 8 is dependent on independent claim 1 and, therefore, is patentable at least for the same reasons noted regarding this independent claim. Applicants submit that Nixon et al. does not overcome the substantial defects noted previously regarding Crisan. For example, none of the cited references disclose or suggest previously registering identification information of an information processing apparatus subjected to maintenance into a remote management subsystem, receiving input of identification information for specifying the information processing apparatus prior to the instruction to set the boot device, or judging whether the received identification information is included in the registered identification information.

Accordingly, Applicants submit that neither Crisan nor Nixon et al., taken alone or in any proper combination, disclose, suggest or render obvious the

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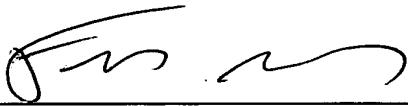
limitations in the combination of claim 8 of the present application. Applicants respectfully request that this rejection be withdrawn and that this claim be allowed.

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 2 and 4-17 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 500.38991X00).

Respectfully submitted,

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Attachments:  
Abstract of the Disclosure